

## TELEFAX COVER SHEET

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THIS MESSAGE HAS 7 PAGES INCLUDING THIS SHEET

TO: Commissioner for PatentsFAX NO.: 703-872-9306FROM: Keith Taboada, Esq.DATE: May 2, 2005MATTER: Serial No. 09/957,395 Filed: September 19, 2001DOCKET NO.: AM5782APPLICANT: Khan, et al.

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The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

☐ Petition  
☐ Disclosure Statement & PTO-1449  
☐ Priority Document  
☐ Drawings ( sheets) informal  
☐ Amendment  
☒ Notice of Appeal (2 pages)

☒ Transmittal Letter (2 copies)  
☒ Fee Transmittal (2 copies)  
☒ Deposit Account Transaction  
☒ Facsimile Transmittal Certificate dated May 2, 2005

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by facsimile to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 2, 2005, Facsimile No. (703) 872-9306.

Allyson M. DeVesty  
Name of person signing this certificate

Allyson M. DeVesty 5-2-05  
Signature and date

361668

PAGE 1/7 \* RCVD AT 5/2/2005 3:43:25 PM [Eastern Daylight Time] \* SVR:USPTO-EFAX-17 \* DNIS:8729306 \* CSID:732 530 9808 \* DURATION (mm-ss):02:30

\* Received: 6 pages.

\* Did not receive: page 5/7. CH

PTO/SB/21 (09-04)

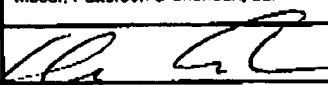
Approved for use through 07/31/2008. OMB 0651-0031

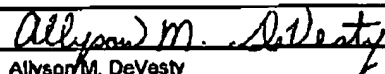
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/957,395
	Filing Date	September 19, 2001
	First Named Inventor	Khan, et al.
	Art Unit	1763
	Examiner Name	Roberts P. Culbert
Total Number of Pages In This Submission	Attorney Docket Number	AM5782

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Notice of Appeal (2 pages)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Moser, Patterson & Sheridan, LLP		
Signature			
Printed Name	Keith Taboada, Esq.		
Date	May 2, 2005	Reg. No.	45,150

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Signature		Date	May 2, 2005
Typed or printed name	Allyson M. DeVesty		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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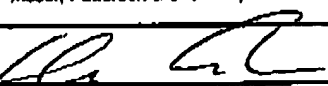
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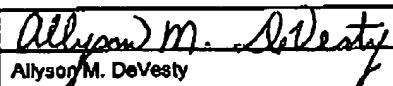
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<b>Remarks</b>  		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Moser, Patterson & Sheridan, LLP		
Signature			
Printed Name	Keith Taboada, Esq.		
Date	May 2, 2005	Reg. No.	45,160

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Signature			Date
Typed or printed name	Allyson M. DeVesty	Date	May 2, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/H7 (12-04v2)

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
<b>FEE TRANSMITTAL for FY 2005</b>		Application Number	09/957,395
		Filing Date	September 18, 2001
		First Named Inventor	Khan, et al.
		Examiner Name	Roberts P. Culbert
		Art Unit	1763
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	AM5782
<b>TOTAL AMOUNT OF PAYMENT (\$950.00)</b>			

**METHOD OF PAYMENT (check all that apply)**

- ☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : \_\_\_\_\_  
☒ Deposit Account Deposit Account Number: 20-0782 Deposit Account Name: Moser, Patterson & Sheridan, LLP  
 For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)  
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☒ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments

Under 37 CFR 1.16 and 1.17  
 WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	—
Design	200	100	100	50	130	65	—
Plant	200	100	300	150	160	80	—
Reissue	300	150	500	250	600	300	—
Provisional	200	100	0	0	0	0	—

**2. EXCESS CLAIM FEES**

Fee Description	Small Entity Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)	60	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims	Extra Claims	Fee (\$)
— -20 or HP=	x	=
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Extra Claims	Fee (\$)
— - 3 or HP=	x	=
HP = highest number of independent claims paid for, if greater than 3.		

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
— - 100 =	/ 50 =	(round up to a whole number) x	=	

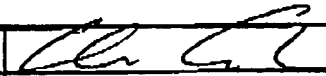
**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Notice of Appeal \$500.00; Two-month extension \$450.00

Fees Paid (\$)

\$950

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	45,150
Name (Print/Type)	Keith Taboada, Esq.	Telephone	(732) 530-9404
		Date	May 2, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

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NOTICE OF APPEAL  
Serial No. 09/957,395  
Page 1 of 2

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

**PATENT APPLICATION**

Applicant: **Khan, et al.**

Case: **AM5782**

Serial No.: **09/957,395**

Filed: **September 19, 2001**

Examiner: **Culbert, Roberts P.**

Group Art Unit: **1763**

Confirmation No.: **4481**

TITLE: **A METHOD FOR FORMING OPTICAL WAVEGUIDES ON A  
SEMICONDUCTOR SUBSTRATE**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R:

**NOTICE OF APPEAL**

The Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated March 7, 2005, finally rejecting claims 1-5, 9-15 and 21-25.


The fee for filing this Notice of Appeal (37 C.F.R. §1.17(b)) is \$500.00. A two-month extension fee of \$450.00 is also due. The Commissioner is hereby authorized to charge Deposit Account No. 20-0782 for these fees, and any additional fees that may be required, to make this paper timely and acceptable to the Office.

05/04/2005 CNGUYEN 00000051 200782 09957395

01 FC:1252 450.00 DA  
02 FC:1401 500.00 DA

Respectfully submitted,

*May 2, 2005*

  
Keith P. TABOADA  
Attorney Reg. No. 45,150  
(732) 530-9404

361661

NOTICE OF APPEAL  
Serial No. 09/957,395  
Page 2 of 2

Moser, Patterson & Sheridan, LLP  
595 Shrewsbury Avenue  
Suite 100  
Shrewsbury, NJ 07702

**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8**

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1450, Alexandria, VA 22313-1450, Facsimile  
No: (703) 872-9306.

Allyson M. DeVesty  
Signature

Allyson M. DeVesty  
Printed Name of Person Signing

5-2-05  
Date of signature